

SUPREME COURT OF THE UNITED STATES

OCTOBER TERM, 1943

No.

R. K. JAPHA, suing on his own behalf and on behalf of all other owners of First and Refunding Mortgage Gold Bonds, Series A, due January 1, 1951, of Chicago, Aurora & Elgin Railroad Company,

*Petitioner,**vs.*

PUBLIC SERVICE COMPANY OF NORTHERN ILLINOIS, a corporation, and CITY NATIONAL BANK & TRUST COMPANY OF CHICAGO, a national banking association,

Respondents.

MOTION TO DISPENSE WITH PRINTING AND SERVICE OF PORTIONS OF THE RECORD

The record on appeal in the Circuit Court of Appeals consisted of all the papers submitted to the District Court on the motion. In addition, the Electric Company filed an Additional Designation of Content of Record (R. 41-48) for the purpose of making part of the record in the Circuit Court of Appeals certain of the proceedings in the receivership proceeding comprising 216 typewritten pages, on the ground that the District Court took judicial notice thereof.

By stipulation approved by order of the District Court (R. 52) and by the Circuit Court of Appeals (R. 56), one photostat copy of the papers included in said Additional Designation of Content of Record was filed with the original Transcript of Record and the printing of such papers was dispensed with. The rest of the record on appeal was printed.

Extended reference to the unprinted portion of the record below will probably be unnecessary, and it is submitted that as in the Circuit Court of Appeals, the printing of said photostat portion of the record be dispensed with.

There is submitted herewith a certified photostat copy of said portion of the record.

It is respectfully requested that this court dispense with the printing of said portion of the record which was not printed below, and that the petition for a writ of certiorari herein, and the appeal if the writ be allowed, be heard on the record as printed below and on the certified copy of said unprinted portion of the record.

Respectfully submitted,

IRVING L. SCHANZER,
Counsel for R. K. Japha, Petitioner.